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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PREVIL, DANIEL	
ART UNIT	PAPER NUMBER
2612	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/542,071	OTT, REINHOLD	
	Examiner	Art Unit	
	Daniel Previl	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,8-11,13 and 15-68* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,8-11,13 and 15-68* is/are rejected.

7)☒ Claim(s) *5, 7, 12 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on January 22, 2008.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 35-68 of Application 10/542,071 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 8, 35, 38 of copending Application No. 10/543,088. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are arguably broader than claims 1, 8, 35, 38 of Application 10/543,088 which encompasses the same metes, bounds and limitations. Therefore, it would have been obvious to eliminate the limitations of the narrower claims, since it has been held that

omission of an element and its function and a combination where the remaining elements perform the same functions as before involves only routine skill in the art.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8-11, 15-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Hammond et al. (US 6,686,840).

Regarding claims 1-4, 8-11, 15-18 Hammond discloses method for protecting a commercial product against theft (abstract) the method comprising: activating a receiver housed in a security unit, the security unit thereby being in an on-state mode (receiver 36 in alarm housing 32 in fig. 2, col. 3, lines 31-45); shifting the security unit from the on-state mode to a connect mode for connecting the commercial product to the security unit, the shifting occurring when the receiver is impinged upon by a transmitter (transmission unit 12 sends RF signals to receiver 36 to lock purse 54 in fig. 1-fig. 3; col. 4, lines 58-61).

Regarding claim 19, Hammond discloses CPU 34 (FIG. 3B) wherein volatile memory is inherently included in the CPU 34 (fig. 3B).

Regarding claims 20-22, Hammond discloses wherein to transmit the selection signal from the transmitter to the receiver, a remote operation system (abstract; col. 3, lines 61-64).

Regarding claims 23-24, Hammond discloses at least one of an optical and acoustic signal (col. 3, lines 40-45).

Regarding claims 25-26, Hammond discloses an energy source for the security unit (battery in col. 3, line 30).

Regarding claim 27, Hammond discloses multiple security units using a single transmitter (fig. 3).

Regarding claims 28-34, Hammond discloses the security unit is equipped with a bracket component for mounting to the product and wherein, in attaching the bracket component to the product, a monitoring of the bracket component for proper attachment to the product is activated (fig. 2; col. 4, lines 19-65).

4. Claims 35-37, 39, 41-44, 52-58, 61, 63-68 rejected under 35 U.S.C. 102(b) as being anticipated by Chidley et al. (US 5,245,317).

Regarding claim 35, Chidley discloses device for protecting a commercial product against theft (abstract) comprising: a security unit including an on-state mode in which a receiver housed in the security unit is activated (receiver within the store detects the ultrasound in fig. 1; col. 3, lines 16-19) wherein the receiver is deactivated in

connect mode of the security unit (if the security tags 14 is taken out of the saturated area, the receiver will no longer detects the ultrasound in fig. 1; col. 3, lines 19-24).

Regarding claims 36, 39, Chidley discloses wherein the security unit includes a monitoring mode, in which a theft attempt will result in the security unit shifting to an alarm mode, and wherein, in the monitoring mode, the receiver is deactivated, and activated in the alarm mode (abstract; col. 3, lines 10-30; col. 6, lines 11-39).

Regarding claim 37, Chidley discloses wherein the security unit is preparable, in the connect mode for a shift to the monitoring mode (col. 4, lines 58-68; col. 5, lines 1-34; col. 6, lines 11-57).

Regarding claims 41-44, 52-54, 56-58, 63-67, Chidley discloses wherein the security unit includes a bracket component for attachment to the product (col. 4, lines 58-68).

Regarding claim 68, Chidley discloses wherein the mounting component and the bracket component are coupleable via a magnet (col. 5, lines 19-27).

Regarding claim 48, Chidley discloses at least one of optical and acoustic signal generators (audible alarm in col. 3, line 26).

Regarding claim 55, Chidley discloses electrical sensors (col. 5, line 15).

Regarding claim 61, Chidley discloses wherein the receiver is housed in at least one of the mounting component and the central unit (fig. 1; col. 3, lines 17-19).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6, 13, rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al. in view of Chidley et al. (US 5,245,317).

Regarding claims 6, 13, Hammond discloses all the limitations set forth in claim 1 but fails to explicitly disclose wherein in the monitoring mode, an attempted theft will result in a shift to an alarm mode, wherein in the monitoring mode the receiver is deactivated and wherein the receiver is activated when the security unit shifts to the alarm mode.

However, Chidley discloses wherein in the monitoring mode, an attempted theft will result in a shift to an alarm mode, wherein in the monitoring mode the receiver is deactivated and wherein the receiver is activated when the security unit shifts to the alarm mode (abstract; col. 2, lines 28-37; col. 3, lines 10-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Chidley's receiver is deactivated into Hammond's system in order to accurately detects theft attempt thereby improving the safety of the system.

7. Claims 38, 40, 45, 49-51, 59-60, 62, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chidley et al. in view of D'Angelo et al. (US 6,133,830).

Regarding claims 38, 45, Childley discloses a device for protecting a product against theft (abstract), comprising: the central unit including a connect mode (connector 82 in fig. 6D; col. 4, line 62) and an on-state mode (alarm system in col. 4, line 60), a receiver housed in the central unit being activated in the on-state mode and being deactivated in the connected mode (fig. 1; fig. 6; col. 3, lines 16-63; col. 6, lines 11-57).

Chidley discloses all the limitations above but fails to explicitly disclose a security unit connected to a central unit via connectors.

However, D'Angelo discloses a security unit (theft detector 21 in fig. 4) connected to a central unit (control unit 22 in fig. 4) via connectors (fig. 4; col. 7, lines 51-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate D'Angelo's security unit connected to a central unit via connectors into Chidley's system in order to establish a great communication between the security unit and the central unit thereby detecting accurately theft attempts for the safety purposes.

Regarding claim 40, Chidley discloses wherein at least one of the security unit and the central unit is preparable, in the connect mode for a shift to the monitoring mode (col. 4, lines 58-68; col. 5, lines 1-34; col. 6, lines 11-57).

Regarding claim 47, Chidley and D'Angelo disclose all the limitations set in claim 35 and D'Angelo further discloses wherein at least one of the security unit and the central unit includes a volatile memory for storing a selection signal (fig. 1; col. 4, lines 29-47). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate D'Angelo's memory into Chidley's system in order to save valuable information within the system. Thereby improving the efficiency of the system.

Regarding claims 49-50, Chidley and D'angelo disclose all the limitations set forth in claim 35 and D'angelo further discloses "light emitting diodes and piezoelectric transducers" (col. 7, lines 33-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate D'Angelo's light emitting diodes and piezoelectric transducers into Chidley's system in order to provide low power consumption and sufficient brightness for the intended purpose. Thereby, ensuring more reliable data transmission for the benefice of the users.

Regarding claims 51, 59-60, Chidley and D'Angelo disclose all the limitations set forth in claim 35 and D'Angelo further discloses a housing of at least one of the security unit and the central unit is at least partially translucent or transparent (adhesive in col. 2, lines 21-26). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate D'Angelo's partially transparent into Chidley's system in order to determine an

accurate attachment. Thereby, ensuring more reliable data transmission for the benefice of the users.

Regarding claim 62, Childley and D'Angelo disclose all the limitations set forth in claim 43 and D'Angelo further discloses wherein a battery chamber is provided in at least one of the mounting component and the central unit (col. 6, lines 56-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate D'Angelo's battery chamber into Chidley's system in order to save efficiently energy thereby improving the performance of the system.

8. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chidley in view of Soleimani (US 4,804,943).

Regarding claim 46, Chidley discloses all the limitations set forth in claim 35 but fails to explicitly disclose wherein a transmitter designed as a remote operation system, is provided for impinging upon the receiver.

However, Soleimani discloses a transmitter designed as a remote operation system is provided for impinging upon the receiver (fig. 7; col. 3, lines 24-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Soleimani's transmitter impinging upon the transmitter into Chidley's system in order to rapidly alert the authorities or the owner that his/her valuable belonging has been stolen for immediate recovery thereby improving the security of the system.

Allowable Subject Matter

9. Claims 5, 7, 12, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: In combination with all the limitations in the claim, the prior arts fail to teach or make obvious: wherein the security unit is shifted from the connect mode to an alarm mode if it is not prepared within a preset time interval for a shift to the monitoring mode and wherein the receiver is activated when the security unit shifts to the alarm mode.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsudaira (US 6,043,744) discloses antitheft system.

Ireland et al. (US 7,015,814) discloses security tag.

Olah (US 5,396,218) discloses a portable security system using communicating cards.

Drori (US 5,650,774) discloses electronically programmable remote control access system.

Farrar et al. (US 4,686,513) discloses electronic surveillance using self-powered article attached tags.

Russo et al. (US 5,640,144) discloses an RF/ultrasonic separation distance alarm.

Shaughnessy (US 4,027,276) discloses transmitter for a coded electronic security system.

Enkelmann (US 4,851,815) discloses a device for the monitoring of objects and/or persons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel WU can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Previl
Examiner
Art Unit 2612

DP
May 2, 2008.

/Daniel Previl/

Examiner, Art Unit 2612